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Via ECF

May 7, 2018

Honorable Loretta A. Preska
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Person and Michel*, 17 Cr. 683 (LAP)

Dear Judge Preska:

We write on behalf of counsel for both defendants to request a suspension of all briefing in this matter, as the government has advised that it intends to file a superseding indictment within the next 30 days.

Defense counsel has filed two sets of briefs in this matter: (1) motions to dismiss the indictment, and (2) motions to suppress certain discovery. Both sets of motions turn on the government's legal theories as set forth in the indictment. Defense counsel filed its briefs before learning that the government intended to supersede. Indeed, the government first announced its decision to seek a superseding indictment in its response brief to defendants' motions to dismiss, in which it stated that it intended to clarify its theory of wire fraud and, on that basis, asserted that certain defense arguments were moot. Although the scope of the intended superseding indictment is not known to defense counsel, it is clear that the current indictment is no longer the operative indictment, that the operative indictment remains to be filed, and that the current motions do not address what will become the operative indictment. In light of the evident inefficiencies in proceeding with briefing under these circumstances, we believe it is appropriate to adjourn the current briefing schedule.

The government has authorized us to represent to the Court that it takes no position with respect to the proposed suspension of the briefing schedule. Once a superseding indictment is filed, counsel can meet and confer and then discuss with the Court what alternative briefing schedule makes sense under the circumstances.

The current briefing schedule set by the Court is as follows:

- May 14, 2018 – Defendants' Replies In Support of Their Motions to Dismiss the Indictment Due

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- May 30, 2018 – Government's Response to Defendants' Motion to Suppress Due
- June 13, 2018 – Defendants' Reply In Support of Their Motion to Suppress Due

For the foregoing reasons, we respectfully request—without government opposition—that all current briefing deadlines be suspended pending further direction from the Court.

Respectfully submitted,



Jonathan Bach

cc: All Counsel (by ECF)